

OFFICE OF SOIL AND WATER CONSERVATION
STATE SOIL AND WATER CONSERVATION COMMISSION

MARCH 23, 2010
11:00 AM

VETERANS' MEMORIAL AUDITORIUM
5825 FLORIDA BOULEVARD
BATON ROUGE, LOUISIANA

PROCEEDINGS/MINUTES

CALL TO ORDER

The regular monthly Commission meeting was called to order by Chairman Fletcher at 11:00 A.M.

ROLL CALL

The roll was called by Joey Breaux.

Members present: Chairman Randell Fletcher, Ernest Girouard, Ed Yerger, John Compton, Garland Colvin and George Guillory

Members absent: None
A quorum was present.

Others Present: Sarah Haymaker, USDA-NRCS Assistant State Conservationist/Operations; Dwight Landreneau, LSU Ag Center; Brad Spicer, LDAF/SSWCC Executive Director; and Joey Breaux, LDAF-OSWC.

Chairman Fletcher asked Mr. Compton to give the invocation.

APPROVAL OF THE MINUTES

Chairman Fletcher called for a motion to approve the minutes of the February 23, 2010 State Commission meeting.

Motion: Mr. Guillory made a motion to approve the minutes from the February 23, 2010 Commission meeting. The motion was seconded by Mr. Yerger and passed unanimously.

UNFINISHED BUSINESS

Chairman Fletcher said they would next take up Unfinished Business and requested Mr. Spicer to report on the items listed on the agenda.

SWCD Farm Bill Implementation Report

Mr. Spicer said that it appears that up to four districts may not be able to earn their 2009 Farm Bill funds. He said that funds will be swept in early April and redistributed to the districts that have heavier Farm Bill workloads and that have a large Farm Bill earnings credit. He said the total amount to be reallocated will likely be less than four thousand dollars.

Mr. Spicer said new Farm Bill Cooperative Agreement data has been entered into the system. He said all districts were informed of their new Farm Bill 2010 funding levels and that the new cooperative agreement will become effective April 1, 2010 and end March 31, 2011.

NEW BUSINESS

Chairman Fletcher said they will now take up New Business and asked Ms. Haymaker to give the NRCS Report.

NRCS State Conservationist Report

Chairman Fletcher asked for the NRCS report, and asked Ms. Haymaker to introduce herself to the Commission. Ms. Haymaker said she is the Assistant State Conservationist for Programs, (ASCP) the position previously held by Ron Marcantel. She said that although she is originally from Oklahoma, her entire NRCS career has been in Louisiana, beginning in 2002 as an agronomist in Rayville, a District Conservationist (DC) in Coushatta, then as a DC in Monroe/Columbia and finally to her current position as ASCP. The Commission gave very favorable comments to Ms. Haymaker, some having known her as a hard working and efficient DC, and looked forward to working with her in her position as ASCP. Ms. Haymaker said that Mr. Norton had been called away to a meeting in Washington DC and sent her on his behalf. She began by handing out printed copies of her report, saying that a very successful Master Farmer Meeting had been held in East Carroll Parish on February 26, 2010 where information on the Master Farmer Program was presented, and irrigation water management, water well laws and regulations, grade stabilization structures and Farm Bill programs were discussed. Ms. Haymaker then discussed the Cooperative Conservation Partnership Initiative projects (CCPI); Longleaf Pine ecotype creation and enhancement in the Florida Parishes, statewide Master Farmer Program participant support, and South Central Louisiana and Turkey Creek watershed resource conservation. She said that these CCPI project areas are funded through a special pool of EQIP funds that are set aside for landowners in these priority areas, and that the participants in these programs in the project areas compete only amongst themselves and their cost share rates are higher in these areas. Ms. Haymaker said that Mr. Britt Paul, Assistant State Conservationist for Water Resources, will be in Baton Rouge this afternoon to attend the Groundwater Advisory Task Force meeting and he will be on the program at Congressman Cassidy's Rural Development Conference being held in Denham Springs next Tuesday.

Ms. Haymaker said this concluded her report.

Correspondence

Chairman Fletcher asked Mr. Spicer to continue with the agenda items under Correspondence.

Mr. Spicer said the first item is a copy of a letter from Chairman Fletcher to Mrs. Jane Netterville thanking her for her efforts to get the Tensas Parish Police Jury to pass a resolution requesting that the Louisiana Legislature not make further cuts to the State's Soil and Water Conservation Program. He said that Ms. Netterville was also instrumental in getting the Louisiana Police Jury Association to approve a resolution requesting the legislature not cut funding for the Conservation Program and when state revenues improved that the conservation funds be increased. Mr. Spicer said that he has spoken to both Jane and Richard Netterville regarding their effort to gain legislative support for district funding.

Mr. Guillory said that the Acadia Police Jury also passed a resolution supporting state funding for Soil and Water Conservation Districts. Dr. Girouard said the Vermilion Police Jury also passed a similar resolution. Chairman Fletcher said that he would send a letter to both the Acadia and Vermilion Police Juries thanking them for their support.

Mr. Spicer said the next items are copies of letters NACD has sent to the Chair and Ranking Members of the U. S. Senate and the U. S. House of Representatives Subcommittee on Agriculture, Rural Development and FDA Committee on Appropriations requesting that they increase funding for Conservation Technical Assistance (TA). He said NACD is requesting \$960.678 million which is \$36.969 million above the President's request. Mr. Spicer said that he has also emailed both Congressmen Cassidy and Senator Landrieu's legislative staff requesting that they support an additional \$200 million in TA funds. He said this is the amount we believe

will be needed for Louisiana and other states to offset both state funding cuts and lack of increased federal funding needed to support servicing our SWCD/NRCCS customers.

Mr. Spicer said the next item is an article from the Natchez Democrat covering comments Commissioner Strain made as a guest speaker at the Ferriday Rotary Club meeting last week. He said the Commissioner discussed the down turn in forestry and agriculture in Louisiana and throughout the country. Mr. Spicer said that Commissioner Strain, however, did state that he is very optimistic about the future of Louisiana's agriculture and forestry industries.

Mr. Spicer said the next item is the NASDA E-News. He said there are a number of articles in the E-News that would be of interest to the Commission members. Mr. Spicer said that time will not permit a discussion on all of the topics and that he would only call attention to the discussion on Atrazine, efforts by U. S. Congress to reform Toxic Chemical Law and USDA Secretary's announcement on the USDA's Office of Environmental Markets.

Mr. Spicer said next is a request for the Commission to approve out of state travel for two Rapides SWCD LANG employees. Chairman Fletcher said the travel is related to the employees' work and requested a motion to approve the travel request.

Motion: Mr. Colvin made a motion to approve the out of state travel for two Rapides SWCD LANG employees as per the State's Travel Policies. The motion was seconded by Mr. Compton and passed unanimously.

Chairman Fletcher said if there were no questions they would take up the next agenda item.

Supervisor Resignations/Appointments and Reappointments

Chairman Fletcher asked Mr. Spicer to report on the resignations and appointments.

Mr. Spicer said the Rapides SWCD board of supervisors is requesting the State Commission to waive the two-thirds meeting attendance requirement for Mr. Larry Gillespie, whose appointed position term expires June 26, 2010. He said that Mr. Gillespie has attended only forty-nine percent of the board meetings during this term. He said Mr. Gillespie's low attendance was due to a timing conflict with his employment, but this problem has been resolved and he is now attending the monthly board meetings on a regular basis. Mr. Spicer said that the Rapides board states that Mr. Gillespie is a valuable board member and has not missed any meetings since he changed his work schedule and that he will continue to improve his board meeting attendance in the future.

Motion: Mr. Colvin made a motion to waive the attendance requirement for Mr. Larry Gillespie, appointed position, Rapides SWCD. The motion was seconded by Mr. Guillory and passed unanimously.

Mr. Spicer reported on the resignation of the following supervisor: Mr. Theron Casselman, appointed position, St. Mary SWCD. He said Mr. Casselman has served on the St. Mary Board for over 36 years and was a very dedicated board member and a strong supporter of LACD.

Motion: Mr. Colvin made a motion to accept the resignation of supervisor Mr. Theron Casselman, appointed position, St. Mary SWCD. The motion was seconded by Mr. Guillory and passed unanimously.

Mr. Spicer said the respective conservation districts are requesting the State Commission to appoint the following supervisors to a new term in office:

Acadia SWCD, Mr. Earl Garber reappointed to fill his expired appointed position. Term will begin June 11, 2010 and will expire on June 11, 2013.

Boeuf River SWCD, Mr. Fred Huenefeld reappointed to fill his expired appointed position. Term will begin May 1, 2010 and will expire on May 1, 2013.

Bodcau SWCD, Mr. Jesse C. Deen reappointed to fill his expired appointed position. Term will begin March 22, 2010 and will expire on March 22, 2013.

Dugdemona SWCD, Mr. Don Price reappointed to fill his expired appointed position. Term will begin March 25, 2010 and will expire on March 25, 2013.

Grant SWCD, Mrs. Ellen "Lucille" Thompson reappointed to fill her expired appointed position. Term will begin March 28, 2010 and will expire on March 28, 2013.

LaSalle SWCD, Mr. Mike Crooks reappointed to fill his expired appointed position. Term will begin March 28, 2010 and will expire on March 28, 2013.

Lower Delta SWCD, Mr. Eugene Woods reappointed to fill his expired appointed position. Term will begin May 4, 2010 and will expire on May 4, 2013.

Motion: Mr. Yerger made a motion to approve the appointments of supervisors Mr. Earl Garber, appointed position, Acadia SWCD; Mr. Fred Huenefeld, appointed position, Boeuf River SWCD; Mr. Jesse C. Deen, appointed position, Bodcau SWCD; Mr. Don Price, appointed position, Dugdemona SWCD; Mrs. Ellen "Lucille" Thompson, appointed position, Grant SWCD; Mr. Mike Crooks, appointed position, LaSalle SWCD and Mr. Eugene Woods, appointed position, Lower Delta SWCD. The motion was seconded by Mr. Guillory and passed unanimously.

LDAF Outreach Sessions

Chairman Fletcher asked Mr. Spicer to address this item. Mr. Spicer said that the LDAF completed the outreach tour of the state with the ninth session being held on Ag Day last Friday in Baton Rouge. Mr. Spicer said that at several of the meetings they had very good interaction with attendees. He said Commissioner Strain did an outstanding job of leading the sessions. He said the Commissioner was well pleased with the effort to give citizens an opportunity to learn about the mission and responsibilities of the various offices within the Department and to interact with Department staff. Mr. Breaux said that he had a number of opportunities to discuss in detail Soil and Water Conservation programs and opportunities for individuals to participate in the Office's conservation outreach and other programs.

District Supervisor Election June 12, 2010

Chairman Fletcher said the next item on the agenda is the 2010 district supervisor's election and asked Mr. Spicer to give the election report. Mr. Spicer said that he is requesting the nomination period be set for April 1, 2010 through April 30, 2010 and the election on June 12, 2010.

Chairman Fletcher said a motion is needed to approve the supervisors' election materials and to send them out as presented to the Commission to the districts.

Motion: Dr. Girouard made a motion to approve the District Supervisors election materials and forward them to the districts. The motion was seconded by Mr. Guillory and passed unanimously.

Chairman Fletcher said there are two supervisors that did not meet the district board meeting attendance requirement. He said that he recommends that these boards be given the opportunity to request an attendance waiver.

Motion: Dr. Girouard made a motion to send a letter to the two districts giving them the opportunity to request an attendance waiver. The motion was seconded by Mr. Guillory and passed unanimously.

Personal Financial Disclosure – Ethics Commission

Chairman Fletcher said that each Commission member is being provided a set of Personal Financial Disclosure forms. Mr. Spicer said it is likely that Commission members would be required to complete Tier 2.1 forms. He said that OSWC sent Tier 2.1 forms to all of the districts with instructions that each board member is required to determine if they are obligated to complete the Disclosure forms. Mr. Spicer said that he has been filing a Personal Financial Disclosure document for years and it takes less than five minutes to complete. He said if you are not doing private business or own part of a company that is doing business with the state you only have to complete a very brief two page questionnaire.

Attorney General Memorandum – Sale of State Surface Water

Mr. Spicer said that he has provided for the members' review a joint letter and memorandum from the Louisiana Attorney General and the Department of Natural Resources providing legal advice regarding the management and sale of surface water owned or controlled by the State of Louisiana. He said under Louisiana law, possibly except for riparian landowners, a person does not have the authority to remove State owned surface water without obtaining prior written approval from the State and without paying fair value. He said that the memorandum also states that until such time as the State Legislature specifically provides for the allocation of any funds from the sale of state waters, funds received for the sale of state waters will be held in escrow and not released or expended without written approval and consent of the office of the Attorney General and Louisiana Department of Natural Resources.

2010 Regular Session of the Legislature

Chairman Fletcher asked Mr. Spicer to address this item. Mr. Spicer said, for the Commission members information, the 2010 Regular Legislative Session will convene at noon on Monday, March 29, 2010 and will end no later than 6:00 PM on Monday, June 21, 2010. He said all pre-filed bills had to be filed by March 19th. He said he is currently in the process of going through the pre-filed bills in an effort to identify bills that may impact Louisiana Department of Agriculture and Forestry as well as those that may affect the management of the state's natural resources or the state's Soil and Water Conservation Program.

Mr. Spicer said that he has provided copies of HCR 1 by Representative Fannin, HB 926 by Representative Little and HB 733 by Representative Anders.

He said HCR 1 provides for the Louisiana Ground Water Resources Commission to prepare a report on the state's groundwater and surface water resources. He said the report will provide recommendations for the management and protection of the state's water resources and to be submitted to the State Legislature by March 1, 2011. Mr. Spicer said this is, except for the makeup of the entities compiling the report, very similar to the proposal put forth by Representative Anders on behalf of LACD during the last legislative session. He said last year they were not able to gain the support of key individuals and agencies needed to get it enacted. Mr. Spicer said it appears that it now has the support needed of the key players to move it through the legislative process.

Mr. Spicer said that HB 926 by Representative Sam Little provides that riparian landowners may authorize the use of the surface water adjacent to his riparian land for agricultural purposes by non-riparian owners without restriction as to the form of any agreement and that the state can not charge any fee for such use. Mr. Spicer said this legislation, if enacted, would partly clarify the current situation regarding riparian landowners use rights in regards to the current Attorney General's Memorandum on use of state surface waters.

Mr. Spicer said that HB 733 by Representative Anders authorizes Louisiana Department of Agriculture and Forestry (LDAF) to participate in programs relative to carbon sequestration and greenhouse gas emission reduction programs and that the Office of Soil and Water Conservation shall function as the state agency for such participation. Mr. Spicer said that he would continue to keep the Commission informed of all legislation that would likely be of interest to them. He said that the Appropriations Bill, HB 1, will likely be discussed in great detail throughout the early weeks of the 2011 session.

Mr. Spicer said that the Division of Administration announced last Friday that LDAF would take another \$2.6 million cut between now and the end of the fiscal year. He said this would be disastrous to the entire department and that would have a direct and immediate impact. Mr. Spicer said should the cut be made, the Commissioner would look at all possible alternatives to make sure that his decisions have the least adverse impacts on the department and the services it provides.

Mr. Landreneau said that LSU AgCenter is facing a similar cut of approximately five percent. He said that like LDAF, about the only place they could cut funds would be in personnel salaries. He said this would create some very serious staff problems in light of 58 employees taking advantage of the buy-out at the beginning of the current fiscal year.

OTHER BUSINESS

Chairman Fletcher asked if there was any other business to come before the Commission. Mr. Breaux briefed the Commission on the new supervisors' training policy and Chairman Fletcher's letter to the district announcing the change in scheduling supervisors' training sessions. He said this should make it easier for supervisors to comply with the Commission's training requirements.

Mr. Spicer said that the OSWC is in the process of submitting an RFP to the NRCS to enter into a partnership agreement with the NRCS and the local SWCD in the Bayou Lafourche Watershed in the Ouachita River Basin. He said that the agreement would provide for the local district and LDAF/OSWC to promote agriculture producers participation in the Mississippi River Basin Health Watershed Initiative.

NEXT MEETING

Chairman Fletcher said the next State Commission Meeting is scheduled for 1:15 PM Tuesday, April 27, 2010 in the Veterans' Memorial Auditorium, 5825 Florida Boulevard, Baton Rouge, Louisiana.

PUBLIC COMMENTS

Chairman Fletcher asked if there was any other business or comments. None replied.

ADJOURNMENT

Chairman Fletcher said if there was no other business that he will accept a motion to adjourn.

Motion: Mr. Guillory made a motion to adjourn at 12:09 P.M. The motion was seconded by Mr. Yerger and passed unanimously.

/s/ *Randell Fletcher*

Randell Fletcher, Chairman
State Soil and Water Conservation Commission